

# UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION

In re:	)	
	)	
DAVID MICHAEL COMBS,	)	
	)	Case No. 14-51339-SCS
<i>Debtor.</i>	)	
	)	
STACY L. LAWRENCE,	)	
	)	APN 15-05009-SCS
<i>Plaintiff,</i>	)	
	)	
v.	)	
	)	
DAVID MICHAEL COMBS,	)	
	)	Chapter 13
<i>Defendant.</i>	)	
	)	

## ORDER DETERMINING DEBT IN PART TO BE NONDISCHARGEABLE PURSUANT TO 11 U.S.C. § 523(a)(5)

For the reasons set forth in the Memorandum Opinion issued in the above-captioned matter on January 21, 2016, the Court ORDERS that the following obligations owed by the Debtor, David Michael Combs, to the Plaintiff, Stacy L. Lawrence, are in the nature of alimony, maintenance, or support and will not be discharged even if the Debtor successfully completes his Chapter 13 Plan and fulfills all other requirements to obtain a discharge pursuant to 11 U.S.C. § 1328: (1) support arrearage arising from a February 23, 2012 prepetition judgment entered against the Debtor, David Michael Combs, in state court in the amount of \$1,452.27; (2) spousal support arrearage resulting from a judgment entered by the state court in the amount of \$4,085.84; (3) spousal and child support arrearage from November 8, 2010, through February 17, 2011, for which the Plaintiff, Stacy L. Lawrence, was awarded a judgment in state court for \$6,293.13; and (4) reimbursement of the parties' minor child's uninsured medical and dental expenses in the amount of \$3,949.12.

The Court further ORDERS that the following obligations owed by the Debtor, David Michael Combs, to the Plaintiff, Stacy L. Lawrence, are also in the nature of alimony, maintenance, or support and will not be discharged even if the Debtor successfully completes his Chapter 13 Plan and fulfills all other requirements to obtain a discharge pursuant to 11 U.S.C. § 1328: (1) reimbursement of the parties' minor child's education fund in the amount of \$12,750.00; and (2) reimbursement of the Plaintiff, Stacy L. Lawrence, for foreclosure avoidance costs, for which the

Plaintiff awarded a judgment in the amount of \$12,923.76. Therefore, the Court ORDERS that the nondischargeable obligations owed by the Debtor, David Michael Combs, to the Plaintiff, Stacy L. Lawrence, total \$41,454.12.

The Court further ORDERS that the remaining obligations owed by the Debtor, David Michael Combs, to the Plaintiff, Stacy L. Lawrence, are not in the nature of alimony, maintenance, or support and instead are property divisions: (1) the division of 2010 tax refunds in the amount of \$2,330.00; (2) the division of retirement accounts and pension plans in the amount of \$56,500.00; (3) reimbursement for a payment made by the Plaintiff, Stacy L. Lawrence, to Lytle Title, for which she was awarded a judgment in the amount of \$7,500.00; (4) the sum of \$58,000.00, representing the difference in the equity between two properties formerly owned by the parties; (5) a rental income payment of \$1,600.00; and (6) a garnishment payment in the amount of \$344.48. Accordingly, the Court ORDERS that these obligations owed by the Debtor, David Michael Combs, to the Plaintiff, Stacy L. Lawrence, will be discharged upon successful completion by the Debtor of his Chapter 13 Plan and his receipt of a discharge pursuant to 11 U.S.C. § 1328(a).

The Court further ORDERS that the Plaintiff's request for an award of attorney fees and additional request that those fees be declared to be nondischargeable is DENIED.

Finally, the Court ORDERS that the remaining portion of the Motion for Relief from Automatic Stay filed by the Plaintiff, Stacy L. Lawrence, on September 29, 2015, against the Debtor, David Michael Combs, in the underlying bankruptcy case is moot. A separate order will be entered in the main bankruptcy case to this effect.

The Clerk shall transmit a copy of this Order to the Plaintiff, Stacy L. Lawrence; Jeffrey L. Marks, counsel for the Plaintiff; the Debtor and Defendant, David Michael Combs; Barry W. Spear, counsel for the Debtor and Defendant; R. Clinton Stackhouse, Jr., Chapter 13 Trustee; and Kenneth N. Whitehurst, III, Assistant United States Trustee.

Entered this 21st day of January, 2016, at Newport News in the Eastern District of Virginia.



STEPHEN C. ST. JOHN  
Chief United States Bankruptcy Judge